IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 2897 of 2007(T)

PETITIONER:

N.P. ABDUL KHADER, S/O.PAREETH,
NATHEKKADAN HOUSE, KUMMANODU,
PATTIMATTOM P.O., KUNNATHUNADU,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
STATE OF KERALA, POLICE HEAD QUARTERS,
VAZHUTHAKKADU, THIRUVNANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
CBCID, (SIG), JAWAHARLAL NEHRU INTE5RNATIONAL
STADIUM BUILDING, KALOOR, KKOCHI-17.

4. THE CENTRAL BUREAU OF INVESTIGATION
REP. BY ITS DIRECTOR, NEW DELHI.

BY GOVERNMENT PLEADER SRI.S.U. NAZAR.
SRI.S.SREEKUMAR, SC FOR CBI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2897 of 2007(T)

APPENDIX

PETITIONER'S EXHIBITS:

EXT-P1 – COPY OF THE FIR IN CRIME NO.246/06.

EXT.P2 – COPY OF THE SCENE MAHAZAR IN CRIME NO.246/06.

EXT.P3 – COPY OF THE INQUEST REPORT IN CRIME NO.246/06.

EXT.P4 – COPY OF THE POST MORTEM REPORT IN CRIME NO.246/06.

EXT.P5 – COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE HOME MINISTER, DATED 22/12/2006.

EXT.P6 – COPY OF THE PETITION SUBMITTED TO THE 2ND RESPONDENT DATED 22/12/2006.

EXT.P7 – COPY OF THE POSTAL A/D CARD.

//TRUE COPY//

R. BASANT, J.

W.P.(C) NO. 2897 OF 2007

Dated this the day of March, 2007

JUDGMENT

The petitioner's wife – Sulaikha, was found dead in a rubber estate at about 3 p.m. on 29/7/06. A crime was registered by the local police under Sec.302 of the IPC as there were indications to show that it was a case of homicide. Investigation was conducted initially by the local police. It did not yield any tangible results. Later, the investigation was entrusted to the Deputy Superintendent of Police, CB CID (SIG-II), Cochin. Investigation has been continuing. There has been a change in the incumbent consequent to the transfer and promotion of the earlier incumbent. The present Investigating Officer has taken over the investigation on 22/9/06.

2. Investigation so far has not yield any specific or tangible result. Investigation is in progress. The petitioner has come to this Court with a prayer that in view of the failure of the Investigators to resolve the mystery of the crime so far,

investigation may be entrusted to some other agency or superior officer.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor has placed before this Court the Case Diary. He submits that everything possible is being done, though the Investigator has not achieved success so far.

4. I have considered the rival submissions. I have perused the Case Diary. I note that the Investigators are making the necessary attempt and effort to conduct an investigation and resolve the crime, though it is true that they have not achieved success so far, I do not find any tangible advantage by directing that the investigation be handed over to any other officer or agency at the moment. I am unable to pin point any specific instance of inadequacy or impropriety in the investigation conducted and, in these circumstances, I am not persuaded to accept the request to transfer the investigation to any other officer or agency.

5. But I make it clear that I expect the Investigating Officer to continue with the investigation in all earnestness and be able to resolve the crime at the earliest. No special or

specific directions appear to be necessary. But it will be appropriate that the 3rd respondent - the Superintendent of Police, shall personally monitor the investigation conducted by the present Investigating Officer - the Deputy Superintendent of Police.

6. This writ petition is, in these circumstances, dismissed; but with the above observations. Needless to say that at a later stage, not within a period of two months from this date, the petitioner shall be entitled to approach this Court for further directions, if any, necessary.

7. Communicate a copy of this judgment through the learned Public Prosecutor to the 3rd respondent.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge